

NEW HAMPSHIRE LAW LIBRARY

SEP 03 1998

CONCORD, N.H.

August 7, 1953

Ralph V. Gould, Director of Safety
Motor Vehicle Department
Concord, New Hampshire

Dear Mr. Gould:

You have requested an interpretation of s. 9, c. 122,
R. L., under the following circumstances:

Frederick Nixon, Jr. was involved in an automobile accident on December 7, 1950. Within one year of that date suit was brought against the defendant and service made upon him by the sheriff, according to Phillip G. Peters, Esq., less than a year from the date of the accident. However, the Commissioner received no written notice from Annie Maher or her legal representative until July 13, 1953, two and a half years after the date of the accident.

It is your position that since the Commissioner received no written notice within one year from the date of the accident, the Commissioner properly issued a new license to Frederick Nixon, Jr., subject to financial responsibility.

It is Mr. Peters' position that the statute means that a license cannot be issued by the Commissioner whenever suit has been brought within one year from the date of the accident, regardless of whether or not the Commissioner received written notification more than one year from the date of the accident.

The governing language of the statute is as follows:

" . . . If the commissioner has received no written notice from the aggrieved or injured person or his legal representative that suit has been brought within one year from the date of the accident the commissioner then may, subject to the other requirements of the law, issue to such person a new license to operate and new registration certificates and registration plates provided he shall give and thereafter maintain proof of financial responsibility. . . ."

C O P Y

Ralph V. Gould, Director of Safety

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In my opinion, your interpretation of this statute is correct. The manifest intent of the Legislature was to provide for the issuance of a license in the discretion of the Commissioner subject to financial responsibility whenever the Commissioner has not received written notification of a suit within one year of the date of the accident. By so providing, the rights of aggrieved persons were secured by written notice and the rights of a person involved in an accident could be restored upon the lapse of one year's time without written notification.

This interpretation of s. 9 is implemented by the manifest policy of s. 7, c. 122, R. L., which provides that if in the event security is furnished ^{within} one year of the date of the accident but no written notice is received from the aggrieved person or his representative that suit has been brought, such security shall be returned to the depositor. Moreover, the Legislature has prescribed in ss. 12 and 13 provisions for the satisfaction of a judgment in installments with the sanction of suspension of a license and registration certificate of the judgment debtor until such judgment is satisfied.

Sincerely,

John N. Nassikas
Deputy Attorney General

JNH/a